

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JOHN ELMY, individually and on)
behalf of all other similarly situated)
persons,)

Plaintiff,)

v.)

Case No.: 3:17-cv-01199

Judge Campbell

Magistrate Judge Frensey

WESTERN EXPRESS, INC., NEW)
HORIZONS LEASING, INC., and)
JOHN DOES 1-5,)

Defendants.)

**WESTERN EXPRESS, INC.'S PARTIAL MOTION TO DISMISS
PLAINTIFF'S AMENDED COLLECTIVE & CLASS ACTION COMPLAINT**

Defendant Western Express, Inc. ("Western"), by its undersigned counsel, hereby moves this Honorable Court, pursuant to Federal Rule of Civil Procedure 12(b)(6), to dismiss Causes of Action IV through VIII from Plaintiff's Amended Collective and Class Action Complaint ("Amended Complaint") with prejudice in this matter. (D.E. 162).

As set forth more fully in Western's contemporaneously filed Memorandum of Law in Support, this Motion is predicated on Plaintiff's failure to state a claim upon which relief can be granted with respect to his: (1) Tennessee Common Law Unenforceable Contract; (2) Tennessee Common Law Unjust Enrichment; (3) Federal Forced Labor; (4) Truth-in-Leasing Act; and (5) Breach of Contract causes of action.

Accordingly, this Honorable Court should grant Western's Partial Motion to Dismiss Plaintiff's Causes of Action IV through VIII with prejudice.

Respectfully submitted,

By:

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was electronically filed with the Court and electronically served on date reflected in the ECF system upon:

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